



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,594	05/15/2006	Stephen William Sankey	DTG1-126US	1832
31344	7590	07/26/2011	EXAMINER	
RATNERPRESTIA			WATKINS III, WILLIAM P	
P.O. BOX 1596			ART UNIT	
WILMINGTON, DE 19899			PAPER NUMBER	
			1783	
			MAIL DATE	
			DELIVERY MODE	
			07/26/2011	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Attachment to Advisory Action

1. Applicant's amendment after final filed 11 July 2011 has been entered for purposes of appeal. The art rejection in section 3 of the detailed portion of the office action mailed 11 May 2011 will be maintained in the event of an appeal. Applicant's arguments in the paper filed 11 July 2011 have been considered but have not been found to be persuasive. Applicant repeats the previously presented arguments that the use of a water soluble barrier layer in Lin is taught away from by the reference teaching a film with waterproofing ability and the ability to reseal vent holes, once they are opened. The examiner maintains his argument that both of the teachings of the reference are not essential to the basic function of the reference, and that in the alternate, the barrier layer being water soluble does not preclude these functions. Regarding the EP '809 reference relied upon by the examiner to show that use of water soluble seal layers does not preclude the protection of dried goods in a container, and does not prevent resealing, applicant argues that the layers are resealed by rewetting, and not by cooling. The examiner disagrees. The vents holes of Lin in view of Dyke further in view of Schmal et al. would open when the soluble layer is softened by moisture from the heated materials inside of the bag. When the bag is cooled and the moisture inside the bag is no longer volatile, the softened water soluble vent material would dry out and reform the seal. This is how the bag of the EP '809 reference is resealed. Moisture is supplied and the layers pressed together, which then dry out and reform the seal.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Watkins III whose telephone number is 571-272-1503. The examiner works an increased flex time schedule, but can normally be reached Monday through Friday, 11:30 A.M. through 8:00 P.M. Eastern Time. The examiner returns all calls within one business day unless an extended absence is noted on his voice mail greeting.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on 571-272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WW/ww
July 25, 2011

/WILLIAM P WATKINS III/
Primary Examiner, Art Unit 1783